

REMARKS

Claims 93-114 were previously pending in this application. By this amendment, Applicants are canceling no claims. Claims 93, 98, 103 and 107 have been amended. No new claims have been added. As a result claims 93-114 are pending for examination with claims 93, 98, 103 and 107 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

Double Patenting Rejection

Claims 93, 98, 103 and 107 stand rejected under the judicially created doctrine of double-patenting over claim 1 of U.S. Patent No. 6,714,977. However, the Office Action also states that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome this rejection. Without acceding to the correctness of this rejection, Applicant is filing herewith a Terminal Disclaimer with respect to U.S. Patent No. 6,714,977 in compliance with 37 C.F.R. 1.321(c). Accordingly, withdrawal of the rejection of claims 93, 98, 103 and 107 is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 93-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over various proposed combinations of U.S. Patent No. 5,955,946 to Beheshti et al. (hereinafter “Beheshti”), U.S. Patent No. 6,139,177 to Venkatraman (hereinafter “Venkatraman”) and U.S. Patent No. 6,363,422 to Hunter et al. (hereinafter “Hunter”). Applicants respectfully maintain their traversal of these rejections as articulated in the Amendment filed October 10, 2008 because the proposed combinations are improper and because the proposed combinations do not disclose the elements of claims 93-114, arranged as claimed. Nevertheless, Applicants have amended independent claims 93, 98, 103 and 107 to further distinguish over the cited references and respectfully request reconsideration in light of the following comments.

Beheshti is directed toward “an alarm/facility management unit... for remote, real-time monitoring of network components” (col. 1, lines 6-9). Beheshti discloses that this unit has a “microprocessor” (col. 4, line 3) and “can receive functionally specific cards” (col. 6, line 39) that “include cards for providing serial communications to the NOC, cards for providing serial port communications with external devices, cards for providing an Ethernet connection, cards for

providing primary and secondary dial-up connectivity, and a primary power card for receiving input power” (col. 6, lines 41-46). Beheshti also discloses, with regard to FIG. 2A, “an RJ-45 connector 24 for a 10Base-T Ethernet connection,” and “a primary power input point 30 for receiving input power” (col. 6, lines 13-17). Additionally, as disclosed in Beheshti, the unit includes “two environmental sensors for continuously monitoring temperature and relative humidity to determine if conditions are with pre-set thresholds” (col. 7, lines 56-59).

One of the disclosed objects of Beheshti is “to provide an alarm/facility management unit with a unique software program that provides powerful reporting and analysis capabilities” (col. 4, lines 53-55). To achieve this objective, Beheshti discloses that “[t]hrough integration with a Hewlett Packard software program named OpenviewTM, the alarm/facility management unit 10 provides powerful reporting and analysis capabilities” (col. 9, lines 20-23). Thus, one of the unique aspects of Beheshti is its tight integration with HP Openview.

Venkatraman is directed toward a device including a “web page [that] enables selection of at least one control function for the device” (Abstract). With reference to FIG. 1, Venkatraman discloses a “device home page 18 [that] may include control buttons according to the HTTP protocol that enable various control functions for the device 10 to be initiated from a web client via the communication path 22” (col. 4, lines 4-8). Venkatraman also discloses that the “costs of providing screen based control mechanisms are exported away from the device and do not require an external computer to provide web access functionality to the device” (col. 2, lines 15-19).

Hunter is directed toward a system including “[o]ne or more client devices [that] are coupled to a system server through a network link, with the network adapted to support TCP/IP packet-based data transmission protocols” (Abstract). Hunter discloses that “client devices carry out normal monitoring functions locally” (Abstract). The background of Hunter discloses “a local area network (LAN) capable of communicating information through the existing power wiring of a single facility” and “an RS-485 serial communication modem which converts data for transmission over a power line network” (col. 2, lines 12-37). According to Hunter, “[r]egardless of the nature of the communication interface between the client and its supported equipment, the client communicates with each apparatus using its vendor specific native language protocol” (col. 6, lines 6-9). The types of supported equipment disclosed by Hunter include “[e]nvironmental control equipment” (col. 9, line 20) and “[s]ecurity systems [that] ...

may include closed circuit video monitoring systems and web-based cameras” (col. 9, lines 42-44).

Claims 93, 95, 97, 98, 100, and 102-106 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman. Independent claim 93, as amended, is directed toward an apparatus comprising “at least one network interface responsive to the processor and configured for communication with a distributed computing network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.” The proposed, but improper, combination of Beheshti and Venkatraman fails to render claim 93 obvious because the proposed combination does not disclose “at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable,” as recited. Rather, Beheshti discloses, with regard to FIG. 2A, “a primary power input point 30 for receiving input power” distinctly from “an RJ-45 connector 24 for a 10Base-T Ethernet connection.”

Moreover, nothing in Venkatraman cures this infirmity because Venkatraman focuses on providing a “web page [that] enables selection of at least one control function for the device.” While Venkatraman does discuss electronic devices, Venkatraman does not expressly disclose the source of power for the electronic devices discussed. Therefore, the proposed combination of Beheshti and Venkatraman does not teach or suggest at least one element of claim 93 because the proposed combination does not disclose “at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.” Accordingly, withdrawal of the rejection of independent claim 93 is respectfully requested.

Dependent claims 95 and 97 depend from independent claim 93 and are, therefore, allowable for at least the same reasons as independent claim 93. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Independent claim 98, as amended, is directed toward an apparatus comprising “at least one network interface responsive to at least one processor of the plurality of processors and configured for communication with a distributed computing network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power

for powering the apparatus from the distributed computing network via the Ethernet cable.”

Claim 98, therefore, is allowable based on reasoning similar to that articulated with regard to claim 93 above. Accordingly, withdrawal of the rejection of independent claim 98 is respectfully requested.

Dependent claims 100 and 102 depend from independent claim 98 and are, therefore, allowable for at least the same reasons as independent claim 98. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Independent claim 103, as amended, is directed toward an apparatus comprising “at least one network interface configured to access a distributed computer network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.” Claim 103, therefore, is allowable based on reasoning similar to that articulated with regard to claim 93 above. Accordingly, withdrawal of the rejection of independent claim 103 is respectfully requested.

Dependent claims 104-106 depend from independent claim 103 and are, therefore, allowable for at least the same reasons as independent claim 103. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Claims 94, 96, 99, 101 and 107-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in view of U.S. Patent No. 6,363,422 to Hunter et al. (hereinafter “Hunter”). Independent claim 93, as amended, is directed toward an apparatus comprising “at least one network interface responsive to the processor and configured for communication with a distributed computing network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.” The proposed, but improper, combination of Beheshti, Venkatraman and Hunter fails to render claim 93 obvious because the proposed combination does not disclose “at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable,” as recited. As discussed above, neither Beheshti nor Venkatraman disclose these claim elements.

In addition, Hunter does not disclose “at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the

apparatus from the distributed computing network via the Ethernet cable.” Rather Hunter discloses a conventional approach to powering devices, i.e. via existing power lines. Therefore, the proposed combination of Beheshti, Venkatraman and Hunter does not teach or suggest at least one element of claim 93 because the proposed combination does not disclose at least one element of independent claim 93. Dependent claims 94 and 96 depend from independent claim 93 and are, therefore, allowable for at least the same reasons as independent claim 93.

Accordingly, withdrawal of the rejection of claims 94 and 96 is respectfully requested.

Independent claim 98, as amended, is directed toward an apparatus comprising “at least one network interface responsive to at least one processor of the plurality of processors and configured for communication with a distributed computing network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.”

Dependent claims 99 and 101 depend from independent claim 98 and are, therefore, allowable based on reasoning similar to that articulated above with regards to dependent claims 94 and 96.

Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Independent claim 107, as amended, is directed toward an apparatus comprising “at least one network interface responsive to the simple network management protocol module and configured to access a distributed computer network, the at least one network interface constructed and adapted to couple to an Ethernet cable and configured to receive power for powering the apparatus from the distributed computing network via the Ethernet cable.” Claim 107, therefore, is not rendered obvious by the proposed combination of Beheshti, Venkatraman and Hunter based on reasoning similar to that articulated with regard to claim 93 during the discussion of dependent claims 94 and 96 above. Accordingly, withdrawal of the rejection of independent claim 107 is respectfully requested.

Dependent claims 108-114 depend from independent claim 107 and are, therefore, allowable for at least the same reasons as independent claim 107. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. A2000-720120.

Respectfully submitted,

John J. Fowler et al., Applicants

By: /Thomas J. McGinnis/

Thomas J. McGinnis, Reg. No. 58,026
LOWRIE, LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
Telephone: 617-395-7000
Facsimile: 617-395-7070